

**REMARKS**

Claims 13-24 have been cancelled and replaced by new claims 25 to 36. Claims 25-36 have been submitted in accordance with uniform U.S. practice and are substantially the same as former claims 13-24 with the exception of claims 18 and 19 which product-by-process claims have been cancelled. Support for the new claims is found in the specification and in the original claims.

It is respectfully submitted that the new claims overcome the rejection of claims 13-24 under 35 U.S.C. §112, second paragraph and the additional rejection of former claims 21-24 under 35 U.S.C. §101. Claims 21-24 are now claims 32-34, proper method of use claims.

Claims 13-15 and 18-19 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Japanese reference 05284913.

Claims 18-19 are no longer pending. Claims 13 and 15 have been rewritten as claims 25-27. The Japanese reference concerns snack foods prepared for humans whereas claims 25 and 27 are directed to a fish food. Thus, the basic compositions of fish food are distinct from human snack foods and novelty is relied on in this case by the preamble of the claim. There is precedent in patent law for reliance on the preamble where it is clearly part of the invention and distinct from the prior art. Reconsideration of the rejection of claims 25-27 (formerly 13-15) is respectfully requested.

Claims 28-30 are based on previous claims 16 and 17 which were not rejected under 35 U.S.C. §102. Claim 28 is now an independent claim and is deemed allowable with claims 29 and 30 dependent thereon.

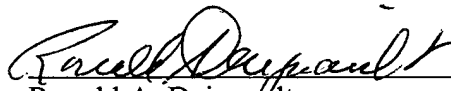
A prompt and favorable reply is earnestly solicited.

Should the Examiner have outstanding issues in this office action which can be resolved by an Examiner's amendment, the Examiner is invited to contact the undersigned prior to a second Office Action.

Respectfully submitted,

Date: \_\_\_\_\_

3/25/09



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